



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,280	09/21/2000	Kyoung Ro Yoon	P-127	8463

34610 7590 02/24/2005

FLESHNER & KIM, LLP
P.O. BOX 221200
CHANTILLY, VA 20153

EXAMINER

DUONG, OANH L

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/666,280

Applicant(s)

YOON ET AL.

Examiner

Oanh L. Duong

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-31 have been cancelled.

Claims 32-50 are presented for examination.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/01/2004 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2155

2. Claims 32-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferman et al. (Ferman) (US 2002/0059584 A1).

Regarding claim 32, Ferman teaches a method for describing a user's preferences pertaining to consumption of multimedia content (Fig. 22), comprising:
describing person information to identify each user (paragraph 264);
describing user preference information of the identified user (paragraph 264),
wherein the user preference information includes a plurality of preference items (paragraph 306) and corresponding preference value for each preference item (paragraph 307), and wherein said preference items have hierarchical relationships (Figs 32-35).

Regarding claim 33, Ferman teaches the personal information includes a unique identifier which can be used to identify said user (i.e., UserIdentifier, paragraph 306).

Regarding claim 34, Ferman teaches each preference value represents user preference or non-preference with respect to corresponding preference item (paragraph 307).

Regarding claim 35, Ferman teaches each preference item corresponds to a description information on said preference item (paragraph 259).

Art Unit: 2155

Regarding claim 36, Ferman teaches each preference item is used for searching or filtering multimedia content (paragraph 93).

Regarding claim 37, Ferman teaches said hierarchical relationships are hierarchical tree structures (Figs 34-35),

Regarding claim 38, Ferman teaches a method for describing a user's preferences pertaining to consumption of multimedia content (Fig. 22), comprising:

- describing person information to identify each user (paragraph 264);
- describing user preference information of the identified user (paragraph 264),

wherein the user preference information includes a plurality of preference items (paragraph 306) and corresponding preference value for each preference item (paragraph 307), and wherein said preference items have hierarchical relationships (Figs 32-35); and

- describing usage history to record information that when and how multimedia contents were used (page 37, paragraph 592)

Regarding claim 39, Fruensgaard/Bieganski/Ferman teaches the usage history is classified according to the time when the multimedia content were used (Ferman, page 19 paragraph 271).

Art Unit: 2155

Regarding claim 40, Fruensgaard/Bieganski/Ferman teaches the usage history is classified by a type of action indicating how the multimedia contents were used (Ferman, page 19 paragraph 271).

Regarding claim 41, Ferman teaches a method for describing a user's preferences (Fig. 22), comprising:

- describing person information to identify each user (paragraph 264);

- describing user preference information of the identified user (paragraph 264), wherein the user preference information includes one or more individual user preference information (paragraph 264), each individual user preference information including a plurality of preference items (paragraph 306) and corresponding preference value for each preference item (paragraph 307), and a update type that indicates whether the user preference information is automatically updated or not (page 21 paragraphs 288 and 290).

Regarding claim 42, Ferman teaches preference items have hierarchical relationships (Fig. 32).

Regarding claim 43, Ferman teaches said hierarchical relationships are hierarchical tree structure (Fig. 32-34).

Art Unit: 2155

Regarding claim 44, Ferman teaches a method for describing a user's preferences pertaining to consumption to multimedia content (Fig. 22), comprising:

describing person information to identify each user (paragraph 264);

describing user preference information of the identified user (paragraph 264), the user preference information includes one or more individual user preference information (paragraph 264), each individual user preference information including a plurality of preference items (paragraph 306) and corresponding preference value for each preference item (Fig. 34 paragraph 307), wherein a plurality of preference items within single individual user preference information have hierarchical relationships (Fig. 33-35, paragraph 320).

Regarding claim 45, Ferman teaches said hierarchical relationships are hierarchical tree structures (Figs 34-35),

Regarding claim 46, Ferman teaches if a preference item is located in more than one sub-tree of the user preference information, the preference values for said preference item in the different sub-tree of the user preference information are not identical values (paragraph 320-321).

Regarding claim 47, Ferman teaches a method for describing a user's preferences pertaining to consumption to multimedia content (Fig. 22), comprising:

describing person information to identify each user (paragraph 264);

describing user preference information of the identified user (paragraph 264), the user preference information includes one or more individual user preference information (paragraph 264), each individual user preference information including a plurality of preference items (paragraph 306) and corresponding preference value for each preference item (Fig. 34 paragraph 307), each individual user preference information including a preference condition under which said individual user preference information uses (i.e., usage preference description, paragraph 259).

Regarding claim 48, Ferman teaches each preference item is used for searching or filtering multimedia content (paragraph 93).

Regarding claim 49, Ferman teaches said hierarchical relationships are hierarchical tree structures (Figs 34-35),

Regarding claim 50, Ferman teaches said hierarchical relationships are hierarchical tree structures (Figs 34-35),

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2155

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bieganski (US 6,321,221) in view of Fruensgaard et al. (Fruensgaard) (US 2002/0052880 A1).

Regarding claim 32, Bieganski teaches a method for describing a user's preferences, comprising:

describing person information to identify each user (i.e., customer identifier, col. 2 lines 12-25);

describing user preference information of the identified user (i.e., item identifier), and corresponding preference value for each preference item (col. 1 lines 32-38 and col. 2 lines 12-38).

Bieganski does not explicitly teach items have hierarchical relationship.

Fruensgaard teaches the user preference information include a plurality of preference items (i.e., references/preferences/topics, page 2 40-44 and page 3 paragraph 50), wherein preference items have hierarchical relationships (page 3 paragraph 61). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the hierarchical relationship of Fruensgaard in the process of describing a user's preferences in Bieganski because such a hierarchical relationship would in itself describe topics in the context of other topics with respect to generalized or specified placement, thereby allowing an

Art Unit: 2155

interesting piece of information to be located faster (Fruensgaard, page 2 paragraph 40).

Regarding claim 33, Bieganski/Fruensgaard teaches a unique identifier which can be used to identify said user (Bieganski, i.e., customer identifier, col. 2 lines 12-38).

Regarding claim 34, Bieganski/Fruensgaard teaches each preference value represents user preference or non-preference with respect to corresponding preference item (Bieganski, col. 2 lines 12-38).

Regarding claim 35, Bieganski/Fruensgaard teaches each preference item corresponds to a description information on said preference item (Fruensgaard, page 3 paragraph 50).

Regarding claim 36, Fruensgaard/Bieganski teaches each preference item is used for searching or filtering contents (Bieganski, col. 1 lines 28-30).

Regarding claim 37, Fruensgaard/Bieganski teaches said hierarchical relationships are hierarchical tree structures (Fruensgaard, page 4 paragraph 204).

Art Unit: 2155

4. Claims 38- 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bieganski (US 6,321,221) in view of Fruensgaard et al. (Fruensgaard) (US 2002/0052880 A1) in further view of Ferman et al. (Ferman) (US 2002//0059584 A1).

Regarding claim 38, Bieganski teaches a method for describing a user's preferences, comprising:

describing person information to identify each user (i.e., customer identifier, col. 2 lines 12-25);

describing user preference information of the identified user (i.e., item identifier), and corresponding preference value for each preference item (col. 1 lines 32-38 and col. 2 lines 12-38).

Bieganski does not explicitly teach items have hierarchical relationship, and usage history as claimed.

Fruensgaard teaches the user preference information include a plurality of preference items (i.e., references/preferences/topics, page 2 40-44 and page 3 paragraph 50), wherein preference items have hierarchical relationship (page 3 paragraph 61). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the hierarchical relationship of Fruensgaard in the system of Bieganski because such a hierarchical relationship would in itself describe topics in the context of other topics with respect to generalized or

Art Unit: 2155

specified placement, thereby allowing an interesting piece of information to be located faster (Fruensgaard, page 2 paragraph 40).

Ferman teaches describing usage history to record information that when and how multimedia contents were used (page 37, paragraph 592). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have utilized the usage history of Ferman in the process of describing a user's preferences of Bieganski because such usage history would enable content provider to accurately determine consumer response to, and ratings of, special programs, and to provide highly personalized content to individuals based on their preferences.

Regarding claim 39, Fruensgaard/Bieganski/Ferman teaches the usage history is classified according to the time when the multimedia content were used (Ferman, page 19 paragraph 271).

Regarding claim 40, Fruensgaard/Bieganski/Ferman teaches the usage history is classified by a type of action indicating how the multimedia contents were used (Ferman, page 19 paragraph 271).

Response to Arguments

5. Applicant's arguments with respect to claims 32-50 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh L. Duong whose telephone number is (571) 272-3983. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.D
February 20, 2005



**BHARAT BAROT
PRIMARY EXAMINER**